

Flathead County Planning & Zoning

40 11th Street West, Suite 220 Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



PETITION FOR ZONING AMENDMENT

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ 1343.59

APPLICANT/OWNER:

1. Name: Kelcey & Tawnya Bingham Phone: 406.261.0483
2. Mail Address: 400 E Texas Ave.
3. City/State/Zip: Whitefish, MT 59937
4. Interest in property: 100%

Check which applies:



Map Amendment



Text Amendment:

TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: Terra Designworks LLC Phone: 406.270.8054
Mailing Address: 234 2nd St. W
City, State, Zip: Kalispell, MT 59901
Email: kurt@terradesignworks.com

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:

- A. What is the proposed zoning text/map amendment?

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: 400 E Texas Ave., Whitefish, MT 59937

- B. Legal Description: Parcel A, Govt. Lot 4

(Lot/Block of Subdivision or Tract #)

30 - 31N - 21W

Section Township Range *(Attach sheet for metes and bounds)*

- C. Total acreage: 13.674

- D. Zoning District: County

- E. The present zoning of the above property is: SAG-10

- F. The proposed zoning of the above property is: R-2.5

- G. State the changed or changing conditions that make the proposed amendment

necessary: The owner would like to perform a family transfer of 2.5 acres out of 13.674 acres to a family member.

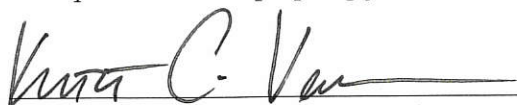
The rezoning is necessary due to zoning code minimum lot size requirements of 10 acres within SAG 10 zoning designation.

157P-57

THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?
2. Is the proposed amendment designed to:
 - a. Secure safety from fire and other dangers?
 - b. Promote public health, public safety and the general welfare?
 - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
3. Does the proposed amendment consider:
 - a. The reasonable provision of adequate light and air?
 - b. The effect on motorized and non-motorized transportation systems?
 - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?
 - d. The character of the district and its peculiar suitability for particular uses?
 - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?
4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.


Owner/Applicant Signature(s)

3/9/20
Date

MAR - 9 2020

0207

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?

The 2015 Flathead County Growth Policy currently has this parcel identified as Suburban Agricultural Land Use, which consists of two zoning districts with minimum lot sizes of 5 acres (SAG-5) and 10 acres (SAG-10). The 2007 City of Whitefish Growth Policy has this parcel identified as Rural Residential on their future land use map, which is consistent with the County zoning district R-2.5. This indicates that the City of Whitefish intends to create a transitional zone in this area and designate it as WCR-Whitefish Country Residential as they are annexed into the City. A transitional zone is appropriate considering that the zoning to the west of this parcel is WLR-Whitefish Limited Residential with 15,000 sq. ft. lot sizes, and the zoning to the east of this parcel is SAG-10 with 10 acre minimum lot sizes.

2. Is the proposed amendment designed to:

a. Secure safety from fire and other dangers?

Adequate access and public emergency services are currently available to the property in case of emergency. The parcel currently has an existing residence that is to remain, and no other improvements are being proposed at this time. There are no features related to the property which would compromise the safety of the public. All currently available emergency services will remain available to the property.

b. Promote public health, public safety and the general welfare?

The requested zoning classification of R-2.5 will promote the health and general welfare by limiting the scale/scope of future agricultural use, since this land use restricts agricultural activities such as dairy processing, etc. which would not be appropriate adjacent to City limits.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

The property is currently on city water and has an existing septic system. The requested zone amendment will not alter current transportation patterns, schools or any other public requirements.

3. Does the proposed amendment consider:

a. The reasonable provision of adequate light and air?

Setbacks and building heights are consistent between the existing and proposed zone, so the availability of light and air will not be altered. The standards for setbacks, building heights and lot coverage are established in the zoning ordinance to ensure adequate light and air is provided.

b. The effect on motorized and non-motorized transportation systems

The property is not proposing to change or add any access points to existing road ways, and has no plans to increase the density on the remaining 11.17 acres.

c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?

The property is bordered to the west by the City of Whitefish, and is shown on the 2007 Future Land Use Map as Rural Residential. This indicates that the City intends to increase density in this area as a transitional zone to more intense agricultural activities to the east.

MAR - 9 2020

d. The character of the district and its peculiar suitability for particular uses?

The property has a history of agricultural use including as equestrian pasture. The owner intends to keep the rural character of this use intact for the foreseeable future, however does not have plans at this time to renew agricultural operations. This is particularly beneficial to the jurisdictions since this will preserve the visual appeal and historical vernacular that is favored by the residents in this area. Once again, it also provides an effective transitional zone between the zones to the east and west.

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?

The owner of the property intends to keep this land and use it in retirement, and has no plans to remove an existing red barn that is iconic and well known to the community. Furthermore, the owner has no plans to subdivide the property aside from performing a one-time family transfer of the 2.5 acre parcel that is the reason for the requested zone amendment.

4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

The proposed zone amendment is consistent with the 2007 City of Whitefish Growth Policy and Future Land Use Map in that it indicates future land use as Rural Residential with a minimum lot size of 2.5 acres.

MAR - 9 2020